

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In Re:

Stephen D. Cimo

Chapter 13

Case Number 13-13979

Honorable Melvin S. Hoffman

Debtor

/

STIPULATION BETWEEN MTGLQ INVESTORS, LP AND STEPHEN D. CIMO

Stipulation entered into 12th day of October, 2017 by and between MTGLQ Investors, LP and Stephen D. Cimo (“Debtor”) (collectively, the “Parties”).

WHEREAS, MTGLQ Investors, LP is the present holder of a promissory Note and Mortgage on real property owned by the Debtor and known and numbered as 54 Ames Avenue, Wrentham, MA 02093.

WHEREAS, on June 12, 2017 MTGLQ Investors, LP filed a motion in the above-captioned bankruptcy case requesting relief from the automatic stay.

WHEREAS, the parties hereto have reached a compromise regarding the above described controversy.

NOW, THEREFORE, the parties hereto, by their respective attorneys, hereunto duly authorized, do hereby stipulate and agree:

1. The debtor is due for the August 1, 2017 post-petition payment in the amount of \$1,193.52, and the September 1, 2017 post-petition payment in the amount of \$1,149.19, for a total of \$2,342.71, less a suspense balance of \$946.73. Therefore, the total amount of post-petition arrears is \$1,395.98. The Debtor agrees to cure the total amount of post-petition arrears by making the following payments:

\$232.66 on or before October 15, 2017;
\$232.66 on or before November 15, 2017;
\$232.66 on or before December 15, 2017;
\$232.66 on or before January 15, 2018;
\$232.66 on or before February 15, 2018 and
\$232.68 on or before March 15, 2018.

The payments shall be in the form of good funds (bank check, certified funds, or a check drawn on Debtors' counsel's clients' trust fund account) and shall be made payable to Rushmore Loan Management Services, LLC and sent directly to Rushmore Loan Management Services, LLC at 15480 Laguna Canyon Road, Suite 100., Irvine, CA 92618 with the loan number written on the check. Payment will be considered made on such dates if the funds are received by Rushmore Loan Management Services, LLC by the close of business on those dates.

2. Starting with the payment date October 1, 2017 through March 1, 2018, Debtor, in addition to the payments required by paragraph 1 herein, shall timely make the regular monthly payments directly to Rushmore Loan Management Services, LLC as required by the Note and Mortgage.

3. Please note that upon DEBTOR failure to make either a regular monthly payment under paragraph 2 or any payment under paragraph 1, MTGLQ INVESTORS, LP or its attorney shall give written notice to the debtors and their counsel, of such failure to make timely payments pursuant to the stipulation and further advise that failure to make said payments within SEVEN DAYS after the date of such notice shall constitute a default under this stipulation.

4. IF THE DEBTOR DEFAULTS UNDER THIS STIPULATION OR FAILS TO COMPLY WITH ANY OF THE TERMS STATED HEREIN, MTGLQ INVESTORS, LP OR ITS ATTORNEY WILL FILE AN AFFIDAVIT OF DEBTOR NON-COMPLIANCE WITH THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS AND THEREAFTER, THE COURT MAY ENTER AN ORDER GRANTING MTGLQ INVESTORS, LP AND ITS SUCCESSORS AND ASSIGNS, RELIEF FROM THE AUTOMATIC

**STAY. MTGLQ INVESTORS, LP AND ITS SUCCESSORS AND ASSIGNS WILL
THEN BE FREE TO EXERCISE ITS RIGHTS PURSUANT TO THE NOTE AND
MORTGAGE IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL
LAW AND TO CONDUCT A FORECLOSURE SALE OF THE PROPERTY.¹**

5. No waiver by MTGLQ Investors, LP of any default shall operate as a waiver of any other default or of the same default on a future occasion.

6. This Stipulation and the terms contained herein shall become void and unenforceable by either party in the event that the Debtor bankruptcy petition is converted to any other Chapter or dismissed for any reason or as a result of the motion of any party, including, but not limited to the Debtor.

MTGLQ Investors, LP
By its Attorney

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¹ "Bold" and "All-Caps" per MLBR 13-16-2 (c).

